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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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BLANKENSHIP LAW, PLLC
2815 HARTLAND ROAD
SUITE 120
FALLS CHURCH, VA 22043

EXAMINER

PRONE, JASON D

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/542,987

Applicant(s)

SANTA ANA, ROLAND C

Examiner

Jason Prone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “table saw and miter platforms have the same shape”, of claims 1 and 2, and “L shaped arm support” of claims 3 and 4, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The specification has numerous English language issues. For example, page 9 the beginning of paragraph (d), the phrase "having the table saw platform (1a) a platform table insert (22)" should be replaced with "the table saw platform (1a) having a platform table insert (22)".

It is also noted that paragraph (d) discloses the work table in a confusing manner. The way this paragraph is written allows one to think that there are 2 independent platforms when there is clearly one work table with a miter saw section and a table saw section. The miter saw platform and the table saw platform are both the same platform called the work table. Also, paragraph (d) goes on to disclose all the features the saw platform encompasses. However, using Figure 3, it is clear that the miter saw platform encompasses the handle (17) and insert (22) as much as the table saw platform does. Applicant needs to use of the term "work table" and use the names a miter saw section and a table saw section to indicate the sides of the table.

Also, when further disclosing additional structure of the work table, applicant can use to the names a miter saw section and a table saw section to disclose their location. For example, this paragraph should incorporate language along the lines of: "The rotatable work table comprises a table saw section and a miter saw section. The miter saw section has a radial shape. The work table includes a platform table insert where the saw blade will perform its cutting, a rail guide slot ramp, in the table saw section, for

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placing the fence...". Line 1 of paragraph (e) should also be amended to remove the term "platforms" and replace it with "work table".

It is noted that paragraph (d) and (e) in claims 1 and 2 feature the same issues.

Appropriate correction is required.

Claim Objections

3. Claims 1 and 2 are objected to because of the following informalities: Claims 1 and 2 are not a single sentence. Each claim is six sentences. There should be only a single period at the end of each claim. All the other periods must be replaced with alternate punctuation. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. On line 1 of paragraph (a) of claims 1 and 2, the phrase "A power tool or saw including a main saw unit, a saw blade, a handle..., and a motor" is unclear. It is clear from the specification that the saw blade, handle, and motor make-up the main saw unit. How does the power tool incorporate a main saw unit and a saw blade, a handle, and a motor? Basically as written, the tool incorporates two saw units.

7. On line 3 of paragraph (a) of claims 1 and 2, the phrase "the tool to be operated as a table saw, fixed miter saw, or a sliding miter saw" does not limit the claim in any

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way. Any saw with a table is a table saw or any saw that cuts tables is a table saw.

Any saw that can perform a miter cut can be a miter saw. Applicant's Figure 1 shows the saw being used as a miter saw but this saw has a table 1 and therefore is a table saw. Language must be added to the claim to explain what is meant by the functional language "to be operated as a table saw, fixed miter saw, or a sliding miter saw" to prevent the interpretations given above.

8. Claims 1 and 2 recite the limitation "the arm support" on line 2 of paragraph (b). There is insufficient antecedent basis for this limitation in the claim.

9. On lines 3-5 of paragraph (b) of claims 1 and 2, the phrase "wherein unless these three elements of the safety mechanism are locked or activated, user may not operate the tool as a table saw" is not correct. For example, a first user may act as the lock and hold the saw unit in the position shown in Figure 4 while a second user pushes a work piece into the saw. This act may not happen but there is no structure disclosed to prevent it from happening thereby making the statement listed above untrue.

10. Claims 1 and 2 recite the limitation "An arm support" on line 1 of paragraph (c). There is insufficient antecedent basis for this limitation in the claim. It is unclear if the arm support of paragraph (c) is the same support structure disclosed in paragraph (b).

11. Claims 1 and 2 recite the limitation "the rotatable worktable" on line 2 of paragraph (c). There is insufficient antecedent basis for this limitation in the claim.

12. In regards to paragraph (d) and line 1 of paragraph (e) of claims 1 and 2, please see objection to the specification and amend accordingly.

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13. In regards to line 3 of paragraph (d) of claims 1 and 2, the phrase "slot ramp" is unclear. It is uncertain what structure allows item 7 in Figure 1 to be considered a ramp.

14. Regarding claims 3 and 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

15. In regards to claims 5-8, the term "elements" is unclear. It is unclear what structure makes up the term "elements" and it is unclear what structure is made from what material. Clearly the saw blade is not made from rubber.

16. Claims 9-12 recite the limitations "the other elements" on line 3, "the prior art", "the market", on line 4, and "the sole removal", on line 5. There is insufficient antecedent basis for these limitations in the claim.

17. In claims 9-12, the phrase "making the other elements of the tool compatible to be used with other saws" is unclear. It is unclear what structure is represented by the term "other elements".

18. In claims 9-12, the phrase "wherein the sole removal of the saw unit slide bar allows the tool of saw to be used as a table saw or fixed miter saw" is unclear. Using Figure 4, it appears the slide bar (16) is the structure that allows the saw unit (18) to be connected to the base. Without the slide bar unit, the saw unit could not function with the base unit.

19. Claims 13-16 recite the limitation "the elements" on line 1. There is insufficient antecedent basis for this limitation in the claim.

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20. In claims 13-16, the term "elements" is unclear. It is uncertain what structure is represented by the term "elements". Also the term "light weight materials" is unclear. It is uncertain what qualifies something as a light weight material and what structures are made of these materials.

Claim Rejections - 35 USC § 103

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. Claims 1-16 are rejected, as best understood, under 35 U.S.C. 103(a) as being unpatentable over Metzger, Jr. (5,353,670) in view of Batson (4,152,961) and Wixey (6,289,778). In regards to claims 1 and 2, Metzger, Jr. disclose the invention including a saw including a saw blade (17), a handle grip (19), a motor (abstract), and a saw unit slide bar (9), a mechanism comprising a locking knob assembly (Fig. 3), a stay-down blade lock knob (61), a switch control (on/off switch), an arm support of a shape that permits the work piece to pass through without being obstructed attached to the worktable and that connects the saw unit to a side of the worktable (7), the worktable comprises a table saw platform and a miter saw platform with the same shape (Fig. 1), the platform has a table insert (15) and a rail guide slot ramp (groove 15 is in), and an under carriage that is secured to the table that includes a fence base and 4 foot bases (Fig. 1).

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In regards to claims 3 and 4, Metzger, Jr. disclose the arm support is L shaped (7).

In regards to claims 5-8, Metzger, Jr. disclose elements are made of metal (17).

In regards to claims 9-12, Metzger, Jr. disclose the main saw unit is removable (all things are removable even if by unconventional methods) making the other elements capable of being used with other saws (Fig. 1).

In regards to claims 13-16, Metzger, Jr. disclose the elements are small and light weight (17).

However, Metzger, Jr. fail to disclose the arm support has a knob handle tilt control and tilt scale, the work table is rotatable, the table that has scale markings and a locking handle assembly, and the miter saw platform is of a radial shape.

Batson teaches it is old and well known in the art of radial saws to incorporate an arm support with a knob handle tilt control (134) and tilt scale (137). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Metzger, Jr. with the arm support, as taught by Batson, to allow for a miter cut to be more easily performed.

Wixey teaches it is old and well known in the art of saws to incorporate a rotatable work table (14), the table that has scale markings (48) and a locking handle assembly (Fig. 1), and the miter saw platform is of a radial shape (48). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Metzger, Jr. with the work table, as taught by Wixey, to better position the work piece to be cut.

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Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Botefuhr, Rizer et al., Rathje, Jr., Chen, Metzger, Jr. ('779), Chen ('747), Itzov, Meredith et al., Anthony, and Ng et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is (571) 272-4513. The examiner can normally be reached on 8:00-5:30, Mon - (every other) Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 16, 2007

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Patent Examiner

Jason Prone

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T.C. 3700

A handwritten signature in black ink, appearing to read "Jason Prone". The signature is written in a cursive, flowing style with a large initial "J" and a long, sweeping underline.